IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24815 of 2007(D)

PETITIONER:

ABDU HAJI, S/O.BAVACHI HAJI,
AGED 52 YEARS, CHATHOTH HOUSE,
NADUVANNUR POST, KOZHIKODE DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS:
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1. THE ARBITRATOR/SPECIAL SALE OFFICER,
KOZHIKODE DISTRICT CO-OPERATIVE BANK,
KALLAI ROAD, KOZHIKODE-2.

2. THE KOZHIKODE DISTRICT CO-OPERATIVE
BANK LTD., ATHOLI BRANCH, ATHOLI-KOZHIKODE
DISTRICT, REPRESENTED BY ITS MANAGER.

R1 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)

R2 BY ADV. SHRI P.V. KUNHIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K. M. JOSEPH, J.

W.P.C. NO. 24815 OF 2007 D

Dated this the 16th August, 2007

JUDGMENT

Petitioner availed a loan. It was not repaid. Petitioner challenges Ext.P1 sale notice and seeks a direction to the second respondent to consider and pass appropriate orders on Ext.P2 representation and to keep in abeyance all further proceedings pursuant to Ext.P1 till the disposal of Ext.P2. Heard the learned counsel appearing for the second respondent Bank also. The Writ Petition is disposed of as follows:

Proceedings pursuant to Ext.P1 shall be kept in abeyance, if the petitioner deposits a sum of Rs.65,000/= (Rupees Sixtyfive Thousand) before the time of sale mentioned in Ext.P1. There will be a further direction that the second respondent will consider and take a decision on Ext.P2 in accordance with law and grant any benefit which the petitioner is legally entitled. A decision in this regard shall be taken and communicated to the petitioner within three weeks from the date

of production of a copy of this Judgment, if the amount of Rs.65,000/= (Rupees Sixtyfive Thousand) is deposited as aforesaid. The recovery proceedings will be kept in abeyance till a decision is taken on Ext.P2 and communicated to the petitioner. Of course, this will be subject to the petitioner depositing Rs.65,000/= as aforesaid.

K. M. JOSEPH, JUDGE

kbk.